

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP,
BI-LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS LITIGATION §

Master Docket: Misc. No. 21-mc-1230-JFC

This document relates to: §

MDL No. 3014

RUSSELL D. CARTER, JR. §

Plaintiff, §

PLAINTIFF’S MOTION TO REMAND

vs. §

KONINKLIJKE PHILIPS N.V.; §
PHILIPS NORTH AMERICA LLC: §
PHILIPS RS NORTH AMERICA LLC; §
PHILIPS HOLDINGS USA, INC.; §
PHILIPS RS NORTH AMERICA §
HOLDING CORPORATION; §
POLYMER TECHNOLOGIES, INC.; §
and §
POLYMER MOLDED PRODUCTS LLC §

Defendants. §

COMES NOW Plaintiff, Russel D. Carter, Jr., by and through his attorney, Russell D. Carter III, and pursuant to 28 U.S.C. § 1407(a) hereby moves the Court to remand the aforementioned case to the original federal district court – the U.S. District Court of the Eastern District of Arkansas (Delta Division 2:22-cv-00030-BSM).

I. INTRODUCTION

1. On January 3, 2022, Plaintiff filed a complaint in the Circuit Court of Lee County,

Arkansas, seeking personal injury damages from Defendants Koninklijke Philips, N.V., Philips North America LLC, and Philips RS North America LLC.

2. On February 17, 2022, Defendants Philips RS North America LLC and Philips North America LLC filed a Notice of Removal to Federal District Court in the Eastern District of Arkansas.

3. On March 2, 2022, the United States Judicial Panel on Multidistrict Litigation, entered a Conditional Transfer Order pursuant to 28 U.S.C. § 1407 transferring this matter to the U.S. District Court of the Western District of Pennsylvania as part of MDL No. 3014.

4. On October 9, 2024, lead counsel for Plaintiffs filed an Unopposed Motion of Settlement Class Representatives that was subsequently approved by this Court.

5. Notwithstanding the diligent work of Plaintiffs' Lead Counsel and this Court of managing this extremely complex litigation, Plaintiff Russell D. Carter Jr., made the difficult decision to not participate in the Settlement Agreement because it required him to release his claims before he knew what compensation he would receive as consideration.

II. ARGUMENT

6. Pursuant to 28 U.S.C § 1407(a), cases transferred by the United States Judicial Panel on Multidistrict Litigation should be remanded to the original district court when pretrial proceedings have ended.

7. Pretrial proceedings in MDL No. 3014 have ended, and Plaintiff prays for this Honorable Court to remand his case to the U.S. Court of the Eastern District of Arkansas to begin trial proceedings.

WHEREFORE, Plaintiff respectfully prays to this Honorable Court to remand this case to the U.S. District Court of the Eastern District of Arkansas (Delta Division 2:22-cv-00030-BSM) and for all other relief he may be entitled.

DATED: February 24, 2025

Respectfully Submitted,

/s/ Russell D. Carter III
Russell D. Carter, III
Russell D. Carter III, P.A.
803 Fairway Drive
Jonesboro, Arkansas 72401
davy.carter@gmail.com
(501) 941-8946

CERTIFICATE OF SERVICE

I hereby certify on February 24, 2025, a copy of the foregoing was filed electronically through the CM/ECF system, and that a true and correct copy was automatically served via electronic mail to all counsel of record.

/s/ Russell D. Carter III
Russell D. Carter, III
Russell D. Carter III, P.A.
803 Fairway Drive
Jonesboro, Arkansas 72401
davy.carter@gmail.com
(501) 941-8946